

REMARKS

Claims 20-23 remain in the application, with Claims 20 and 21 having been amended. Claims 20 and 21 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 101

Claims 20-23 are rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. It is believed that the above-noted claim amendments have overcome this rejection, at least because claims 20 and 21 are now clearly tied to an apparatus, namely the display screen of a computer. Support for these claim amendments is found, for example, at page 10, lines 1-13 of the specification of the present application.

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Response to Examiner's contentions in his Answer

Applicants will also take the opportunity to comment on the substantive aspects of Examiner's completely ill-conceived "Answer" to applicants' Appeal Brief.

Most notably, the Examiner has totally failed to address the following central aspects of applicants' contentions:

(A) “[N]one of the references has anything to do with presenting different order type menus, depending on what order destination the user has selected” (See page 8, lines 19-21 of the Appeal Brief); “...Himmelstein ... lacks any teaching or suggestion that presentation of an order type menu is to be changed according to the order destination selected” (See page 10, lines 14-16 of the Appeal Brief); “...Russo...fails to disclose displaying one or the other of two order type menus, depending on what order destination has been selected.” (See page 11, lines 9-11 of the Appeal Brief)

(B) “[N]one of the references has anything to do with ... presenting different order destination menus, depending on what trading symbol the user has selected” (See page 8, lines 19-22 of the Appeal Brief); “... Himmelstein does not teach ... displaying different order destination menus, depending on what trading symbol is displayed” (See page 12, lines 13-15 of

the Appeal Brief); “ … Russo shows no awareness of … displaying different order destination menus for different trading symbols.” (See page 12, lines 22-23 of the Appeal Brief)

The above reinforces applicants’ view that the Examiner has failed to grasp what the invention is all about, and has cited prior art that is essentially irrelevant to the claimed invention. To be blunt, the Examiner’s discussion of the invention up to this point is a mess. For example, even at this late date, the Examiner has again restated his rationale for rejecting claims 20 and 21, by again reapportioning the aspects of the claimed invention that are purportedly disclosed in the two references. This represents still another shift on the Examiner’s part from both the Advisory Action and the Final Office Action. (Also, the Examiner’s stated reason for combining the references is incoherent and incomprehensible.)

The Examiner has thrown bits and pieces of the references at the invention with no appreciation of what the references mean or of what the applicants have claimed. It is a pity that the Examiner now bogs down the process with a formalistic and questionable § 101 rejection, that could have been asserted long ago. Applicants do not appreciate having their “day in court” delayed and impeded in this manner.

Applicants will close with some further comments on the Examiner’s purported “Response to Arguments”:

(1) Regarding the first paragraph on page 9 of the Examiner’s Answer, the Examiner’s citation of “sell, buy or hold transactions”¹ fails to satisfy the definition of “order type menu” stated in claim 20, namely including a market order type and a limit order type. Incidentally, paragraph 0049 of Himmelstein does not even seem to have anything to do with “sell, buy or hold transactions”, let alone market order types and limit order types. Further, it appears to applicants that the Examiner’s following citations to paragraphs 0054, 0052 and 0053 of Himmelstein have no relevance to any issue in the applicants’ appeal.

(2) Regarding the first full paragraph on page 10 of the Examiner’s Answer, in Russo it appears that the selection of the symbol automatically also selects an order destination. Russo exhibits no awareness that the same symbol (security) may trade on more than one order

¹ By the way, what is a “hold transaction”?

destination, and thus presents no reason for even having an order destination menu. Again applicants strongly contend that no order destination menu is disclosed in Russo.

(3) Regarding the paragraph that bridges pages 10 and 11 of the Examiner's Answer, applicants reiterate the point that "sell, buy or hold transactions" do not satisfy the claimed definition of an "order type menu". And once again, even if Russo can be interpreted as showing one order type menu, where and how does the Examiner contend that the reference discloses two different order type menus?

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,

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Date

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